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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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9 CARL BERKELHAMMER, Individually and
10 On Behalf of All Others Similarly Situated,

11 Plaintiff,

12 v.

13 FUNKO, INC.; BRIAN MARIOTTI;
14 RUSSELL NICKEL; KEN BROTMAN; GINO
15 DELLOMO; CHARLES DENSON; DIANE
16 IRVINE; ADAM KRIGER; RICHARD
17 McNALLY; GOLDMAN, SACHS & CO.; J.P.
18 MORGAN SECURITIES LLC; MERRILL
19 LYNCH, PIERCE, FENNER & SMITH
20 INCORPORATED; PIPER JAFFRAY & CO.;
21 JEFFERIES LLC; STIFFEL, NICOLAUS &
22 COMPANY, INCORPORATED; BMO
23 CAPITAL MARKETS CORP.; SUNTRUST
24 ROBINSON HUMPHREY, INC.; ACON
25 INVESTMENTS, L.L.C.; and
26 FUNDAMENTAL CAPITAL, LLC,
27

Defendants.

NO. C18-812 RSM

**STIPULATED MOTION AND
ORDER APPLYING STAY OF
CERTAIN CASE DEADLINES [DKT.
42] TO DEFENDANT
FUNDAMENTAL CAPITAL, LLC**

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I. STIPULATION

1. On April 10, 2019, the Court granted the Stipulated Motion to stay certain case deadlines filed by Plaintiffs and the then named defendants [*see* Dkt. 42] until after a ruling on the pending Motions to Dismiss filed by those defendants in an action currently pending in the Superior Court of Washington, King County. The state court action, captioned *In re Funko, Inc. Sec. Litig.*, No. 17-2-29838-7 SEA (the “State Case”), like this action, alleges claims regarding defendant Funko Inc.’s initial public offering. Subsequent to this Court’s order on the Stipulation, Plaintiffs filed an amended complaint in this lawsuit which for the first time named Defendant Fundamental Capital, LLC (“Fundamental Capital”) as a party.

2. On April 10, 2019, the Court granted the Stipulated Motion to stay certain case deadlines filed by Plaintiffs and the then named defendants [*see* Dkt. 42] until after a ruling on the pending Motions to Dismiss filed by those defendants in an action currently pending in the Superior Court of Washington, King County. The state court action, captioned *In re Funko, Inc. Sec. Litig.*, No. 17-2-29838-7 SEA (the “State Case”), like this action, alleges claims regarding defendant Funko Inc.’s initial public offering. Subsequent to this Court’s order on the Stipulation, Plaintiffs filed an amended complaint in this lawsuit which for the first time named Defendant Fundamental Capital, LLC (“Fundamental Capital”) as a party.

3. Fundamental Capital is also a named defendant in the State Case and has also filed a Motion to Dismiss in the State Case. The court in the State Case has not issued any ruling on Fundamental Capital’s Motion to Dismiss.

4. On May 16, 2019, Defendant Fundamental Capital, LLC executed a waiver of service in this lawsuit.

5. Pursuant to Local Civil Rules 7(d)(1) and 10(g) and without waiving any of their rights, arguments, claims, or defenses, Lead Plaintiff Carl Berkelhammer (“Lead Plaintiff”) and Fundamental Capital, by and through their undersigned counsel of record, hereby stipulate and agree that the stay ordered in Dkt. 42, including all deadlines and terms set forth therein, also applies to Fundamental Capital.

1 SO STIPULATED AND AGREED this 9th day of July 2019.

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RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE